

Abstract

The dissertation, while incorporating and building upon previous work of the author, aims to analyze in greater detail (both from an historic perspective and from a viewpoint of current trends and associated theories) the ever-repeating discrepancy between choice-of-law regulation of contractual relationships in the Czech Republic (or the European Union) on the one hand and the Common Law legal culture (especially the United States) on the other. Recent scholarly articles are also critiqued. The following major Common Law related tenants are extrapolated from a relatively extensive background of materials: (i) Conflict of Laws in the United States constitutes an interstate system as opposed to an international system utilized by European law. Due to the federal structure of the United States and the volume of interstate trade (trade between the various states of the United States) American Conflict of Laws retains a domestic character, (ii) Conflict of Laws is not governed on a federal level and the Supreme Court of the United States has repeatedly ruled that when a federal Choice of Law clause is warranted the state-level counterpart shall be used instead analogously, (iii) due to the aforementioned domestic characteristics and case law of the Supreme Court of the United States American Conflict of Laws is closely linked with federal civil procedure rules, which is in part reflected in the formal division of Conflict of Laws into the elements of *Jurisdiction*, *Choice of Law* and *Recognition and Enforcement*.

Keywords: Conflict of Laws, Contract Law, Comparison